

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CHRISTA McAULIFFE INTERMEDIATE
SCHOOL PTO, INC., et al.,

Plaintiffs,

-against-

BILL DE BLASIO, in his official capacity as
Mayor of New York, et al.,

Defendants.

AMENDED CIVIL CASE
DISCOVERY PLAN AND
SCHEDULING ORDER

18-cv-11657 (ER)

The Court entered a Civil Case Discovery Plan and Discovery Order on March 8, 2019 (Dkt. No. 71). The parties have jointly requested an extension of the discovery deadlines. The Court held a status conference on September 25, 2019 and ordered that discovery in this case be bifurcated as follows: **Phase I** of discovery shall address the impacts caused by or arising out of the changes made to Defendants' "Discovery Program" for admissions to New York City's Specialized High Schools. If Plaintiffs establish a disparate impact caused by the changes to Defendants' Discovery Program, the parties will proceed to **Phase II**, namely, Defendants' motivations for adopting the changes to the Discovery Program. The deadlines in this Order apply to Phase I only.

The Court, accordingly, adopts the following deadlines for **Phase I** of discovery in this case:

1. Defendants will produce, by October 7, 2019, all "individualized" data (as that term has been agreed to by the parties) related to the student classes entering the Specialized High Schools in the years 2016, 2017, 2018, and 2019.
2. Subject to Paragraph 9 below, Plaintiffs may serve expert report(s) no later than 60 days after Plaintiffs' receipt of the 2016, 2017, 2018, and 2019 Individualized Data.
3. Subject to Paragraph 9 below, Defendants may serve expert report(s) no later than 60 days after receipt of the Plaintiffs' expert report(s) concerning the 2016, 2017, 2018, and 2019 Individualized Data.
4. Defendants will produce all "individualized" data (as that term has been agreed to by the parties) related to the student class entering the Specialized High Schools in the fall of 2020 ("2020 Individualized Data"), when this data becomes available in or about May 2020.

5. Plaintiffs may serve expert report(s) no later than 45 days after Plaintiffs' receipt of the 2020 Individualized Data.
6. Defendants may serve expert report(s) no later than 60 days after receipt of the Plaintiffs' expert report(s) concerning the 2020 Individualized Data.
7. Plaintiffs' expert witness(es) may be deposed separately concerning each report the expert produces and may be deposed on or before September 4, 2020.
8. Defendants' expert witness(es) may be deposed separately concerning each report the expert produces and may be deposed on or before October 21, 2020.
9. Neither Plaintiffs nor Defendants are required to provide more than one expert report from any expert witness.
 - a. If Plaintiffs decide not to serve expert report(s) within 60 days of Plaintiffs' receipt of the 2016, 2017, 2018, and 2019 Individualized Data, Plaintiffs shall have the right to serve expert report(s) based on all Phase I discovery, including the 2016, 2017, 2018, and 2019 Individualized Data and the 2020 Individualized Data.
 - b. If Plaintiffs decide not to serve expert report(s) within 60 days of receipt of the 2016, 2017, 2018, and 2019 Individualized Data, Defendants may—but need not—serve an expert report within 90 days of Plaintiffs' receipt of the 2016, 2017, 2018, and 2019 Individualized Data. If Plaintiffs do serve an expert report within 60 days of Plaintiffs' receipt of the 2016, 2017, 2018, and 2019 Individualized Data, Defendants may serve expert report(s) consistent with Paragraph 3 above. If Defendants decide not to serve expert report(s) based solely on the 2016, 2017, 2018, and 2019 Individualized Data, Defendants shall have the right to serve expert report(s) based on all Phase I discovery, including the 2016, 2017, 2018, and 2019 Individualized Data, the 2020 Individualized Data, and Plaintiffs' expert report(s).
 - c. The parties shall be limited to one deposition of each expert witness for each report written by each such expert witness.
10. Non-expert fact discovery related to the Phase I of the discovery, including depositions, shall proceed concurrently.
11. Whenever possible, unless counsel agree otherwise or the Court so orders, non-party depositions shall follow party depositions.
12. **All Phase I discovery shall be completed by October 30, 2020.**

13. This Civil Case Discovery Plan and Scheduling Order may not be changed without leave of Court (or the assigned Magistrate Judge acting under a specific order of reference).

SO ORDERED.

Dated: October 4, 2019
New York, New York



Edgardo Ramos, U.S. District Judge

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